

U.S. Serial No. 10/700,192
Amendment Dated December 3, 2004
Response To Office Action Dated September 29, 2004

REMARKS

The pending application was filed on November 3, 2003 with claims 1-5 and 6-41. The Examiner issued a Non-Final Office Action dated September 29, 2004 objecting to claims 12, 21, 31, and 35, and rejecting claims 1-5, 7-11, 13-20, 22-30, 32-34, and 36-41. The Examiner objected to claims 12, 21, 31, and 35 as being dependent on a rejected base claim, but indicated the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner rejected claims 1-5, 7-11, 13-20, 22-30, 32-34, and 36-41 under 35 U.S.C. §103(a). In addition, the Examiner stated that the claim set does not include a claim number 6 and requested that the Applicant renumber the instant claims.

The undersigned representative thanks the Examiner for notification that claims 12, 21, 31, and 35 would be allowable if rewritten. Claims 7-35 have been renumbered to be claims 6-34 respectively. Thus, originally filed claims 12 and 21 have been renumbered claims 11 and 20, respectively, as requested. Renumbered claims 11 and 20 (old claims 12 and 21) have been rewritten in independent form including all of the limitations of the base claim. Claim 1 has been canceled without prejudice, and originally filed claims 2 and 5 have been amended to depend from renumbered claim 11. Claims 3 and 4 remain as originally filed and depend from claim 2. Renumbered claims 6-10, 12, 13, and 15-18 have been amended to depend from allowable renumbered claim 11 and renumbered claims 14 and 19 depend from renumbered claims 13 and 18, respectively. Thus, claims 2-19 and 34 are

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allowable because renumbered claim 11 has been rewritten in accordance with the Examiner's recommendation, and thus, is allowable, and claims 2-10, 12-19, and 34 depend directly or indirectly from renumbered claim 11 and thus, are allowable as well.

Renumbered claim 20 has been amended to include all of the limitations of claim 1 from which renumbered claim 20 depended and thus, is allowable. Renumbered claims 21-33 have been amended to depend from renumbered claim 20, directly or indirectly. In addition, renumbered claim 21 has been amended to define the pump as being a peristaltic pump and to depend from rewritten and renumbered claim 20. Therefore, renumbered claims 21-33 are allowable.

Originally numbered claims 1 and 36-41 have been canceled without prejudice. Claims 2-34 remain pending and are patentable for at least the reasons set forth above. Thus, the Examiner is respectfully requested to issue of Notice of Allowance for claims 2-34.

I. Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-5, 7-11, 13-20, 22-20, 32-34, and 36-41 under 35 U.S.C. §103(a). The claims have been rewritten as described above to depend from independent, renumbered claims 11 and 20. Originally numbered claims 1 and 36-41 have been canceled without prejudice, and claims 2-34 remain pending and are patentable for at least the reasons set forth above. Thus, the rejections made under 35 U.S.C. §103(a) have been overcome, and the Examiner is respectfully requested to withdraw the rejections.

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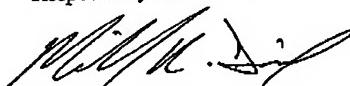
CONCLUSION

For at least the reasons given above, originally numbered claims 2-5 and renumbered claims 6-34 define patentable subject matter and are thus allowable. The undersigned representative thanks the Examiner for examining this application.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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